

**P L A N N I N G   C O M M I S S I O N**  
**ACTION MINUTES**  
**TUESDAY, MARCH 1, 2005**

Chair Gibson called the meeting to order at 7:02 p.m. at the Twin Pines Senior and Community Center.

**1.      ROLL CALL:**

Present, Commissioners:                      Gibson, Parsons, Horton, Wozniak,  
Dickenson, Frautschi

Absent, Commissioners:                      Long

Present, Staff:                                      Community Development Director Ewing  
(CDD), Principal Planner de Melo (PP), City Attorney Zafferano (CA),  
Recording Secretary Flores (RS)

Chair Gibson congratulated the four Commissioners who were reappointed to their seats, and noted that they would be reorganizing the Commission at the next meeting.

**2.              AGENDA AMENDMENTS:**                                      None

**3.              COMMUNITY FORUM (Public Comments):**                                      None

**4.              CONSENT CALENDAR:**

**4A.              Minutes of 2/1/05 Planning Commission Meeting**

**MOTION: By C Frautschi, seconded by C Dickenson, to accept the Minutes of February 1, 2005 as presented.**

**Ayes: Frautschi, Dickenson, Horton, Wozniak, Parsons, Gibson**

**Noes: None**

**Absent: Long**

**Motion passed 6/0/1**

C Long arrived at 7:05 p.m.

**4B. Resolution to deny Conceptual Development Plan Amendment – Charles Armstrong School - 1405 Solana Drive.**

C Wozniak recused herself from this discussion because she lives within 300' of the property.

CDD Ewing stated that staff had prepared a draft resolution which they believed captured comments and directions from the Commission at the last meeting; however, an email had since been received from Commissioner Horton proposing additional language.

Referring to the finding regarding General Plan Policy 2081.3 at the bottom of Page 2, C Horton stated that she believed the portion of the language preceding the General Plan language should read: "The Commission finds that the project does not mitigate adverse traffic effects on Chula Vista Drive, which has been documented as having a traffic problem to the point where Public Works has gone to the extent of hiring an Engineer to propose mitigation measures."

Referring to the fifth "Whereas" on the first page of the draft Resolution, C Frautschi asked that the word "herby" be corrected to "hereby."

**MOTION: By VC Parsons, seconded by C Frautschi, recommending the City Council deny an amendment to the Conceptual Development Plan for the Charles Armstrong School Expansion Project at 1405 Solano Drive with the corrections recommended by Commissioners Horton and Frautschi. (Appl. 2003-0099)**

**Ayes: Parsons, Frautschi, Dickenson, Long, Horton,**

**Noes: Gibson**

**Recused: Wozniak**

**Motion passed 5/1/1**

Chair Gibson reminded that this action is only a recommendation to the City Council. CDD Ewing added that the date for the Council hearing has not been scheduled but hopefully it will be within the next two to three months.

**5. PUBLIC HEARINGS:**

## **5A. PUBLIC HEARING – 2406 Coronet Boulevard**

To consider a Single Family Design Review and Variance to construct a new 3,440 square foot single family residence that is below the zoning district permitted 3,500 square feet for this site. (Appl. No. 03-0111) (Continued from 8/17/04 Planning Commission Hearing)

APN: 044-241-380; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: Javier Chavarria

Owners: Curtis and Lynn Wright, Celestino and Manuela Aguiar

PP de Melo summarized the staff report, recommending approval of the setback Variance and Single Family Design review application with the Conditions of Approval in Attachment III.

C Horton commented that she did not see a notification of the agenda item posted on the site. PP de Melo responded that, because the project was not continued to a date certain, staff prepared a 300' notification for the project and provided that notice to be posted to the applicant. If it was not posted, that is certainly an issue. He added that staff did not receive any written letters but that two different neighbors come to the counter to ask questions about the project. Responding to C Long's question, PP de Melo stated that the applicant was not required by the neighborhood outreach policy to conduct a second outreach meeting.

Applicant Javier Chavarria, JC Engineering, reviewed the information they had presented at the previous meeting, as well as graphics describing the revised concept, stating that they had diminished the mass, added charm to the design, made it more compatible with the neighborhood, used the space on top of the garage, avoided the unsafe condition that was created by the stairs accessing the driveway, and increased the excavation by 173 yards. He noted that the geotechnical engineer was out of the country, but that the builder/owner was present, as well as the person who would do the grading and excavating on the property.

C Frautschi raised questions in reference to the Earth Investigations Geotechnical Report as follows:

- It refers to a 2-story building and there are now 4 levels. He asked how that change affects the geological report. Mr. Chavarria stated that it does not –

the Building Code defines a story when more than 50% of the parameter of the building exceeds 6' – in this section the rear of the building is a one story building and the sides of the building are a two-story building. In no portion of the foundation will they have any more than two floors loading on that particular minor foundation. In the garage section, which will be the worst condition, the front of the garage is only loaded by one floor and the back of the garage is loaded by two floors, so as the building staggers back the loading will in no event exceed probably 1,000 to 1,100 pounds per linear foot in any foundation line. He confirmed that the report is written for loading, not actual floors and should not be a problem.

- On Page 3 page of the report, under Surface Features, he asked for the meaning of the statement that reads "There is a locally steep cut slope (approximately 1:1) that encroaches from the neighbor's building pad into the middle west side of the site (Plate 2)." Mr.A Chavarria responded that looking at Plate 2, there is an existing stair that encroaches into the property and there is a little section that does not have a retaining wall. Looking at the development plans, that area is away from the building; it is not touched and is not to be affected by the excavation or by the foundations. He believes the deep excavation cuts are going to be 15' away from that section and the remainder of the building will be set on piers. They do not expect any negative impact from the building excavations into that area.
- On Page 4 of the report, the last two sentences under Conclusions state "There was no evidence of existing debris slide or flows uphill of the building pad. However, it is always prudent to make periodic checks of the hillside to confirm that neighboring site runoff has not created adverse drainage and slope conditions." He asked if this has been done since the report was written in 2002. Mr. Chavarria stated that there was a site visit by the geotechnical consultant in early December and the conditions were still as he had observed them in the initial preparation of the report.

Regarding Plate 2, Mr. Chavarria stated that an analysis or exploration was done to determine the nature, the character and the stability of the land uphill of the site on the upper portion of the lot, but that borings were not done there. Discussion ensued, and he agreed that, if desired by the Commission, he would be happy to have the geotech address that as a condition of approval.

Chair Gibson opened the Public Hearing, and noted that speakers would be limited to three minutes each.

The following neighbors spoke in opposition to the project, primarily based on objections to the massiveness, location, comparison to existing homes in the vicinity, potential health issues due to change in climate inside a nearby house, amount of soil to be excavated, drainage and the potential for slides:

Lynn Dinelli, 2408A Coronet Blvd.

Gary Fry 2408 A Coronet Blvd.

Zoya Cogan, 2408 Coronet Blvd.

Virginia Keenan, 2505 Read Ave.

Ray Humbel, 2400 Coronet Blvd. Mr. Humbel also raised a question regarding the number of lots between existing buildings.

PP de Melo stated that the subject lot is actually one parcel but comprised of two lots – Lots 7 and 6 of that Coronet Blvd. tract. The adjacent vacant lot that Mr. Keenan was speaking of is Lot 5.

**MOTION: By VC Parsons, seconded by C Long, to close the public hearing. Motion passed.**

Discussion by Commissioners was as follows:

C Dickenson thanked the applicant for minimizing the mass from the original state but still had concerns about the massing in the neighborhood.

C Horton concurred that it is still large for the neighborhood. Concerned about water flowing and front yard possibly sliding into the street. Felt color was too bright and that the barren site could be helped with some vegetation.

C Long felt the applicant had taken big steps toward reducing bulk and mass and was moving in the right direction, but was not sure they were there yet.

C Wozniak concurred, and felt that minimizing the building square footage and putting trees around it would help.

C Frautschi responded to a letter from Mrs. Kogan by informing her that there is nothing in the Belmont code that 1) protects her privacy, 2) protects her private view, and 3) protects a solar domain, so that those are issues that will affect her but as Commissioners they cannot even look at them. He also corrected her statement that the house is set back 9' – the house is actually 11' 9" from the left property line as you look at it, so that it is actually further than required by code. He further advised Mrs. Kogan to take photographs of the slab at her house, have it inspected and documented in case she has a problem in the future from excavation that happens next door.

C Frautschi felt that the geological report and the landscape plan are very inadequate. The geological report talks about the benefit of having more trees on the site for geological stability and they would also visually reduce the bulk. He felt that just because they can build a 3500 square foot house on this site doesn't necessarily mean they should. He would like to see a comparison on what the average house size is on Coronet.

VC Parsons felt that architecturally the applicant has done an outstanding job of reducing the bulk and noted that the applicant has a right to build a house up to the allowable square footage, assuming all the other findings can be made. He added that there is nothing that is going to prevent some of the other houses in the neighborhood from becoming larger in the future, so that he could not support that kind of argument for not having a larger house. Architecturally the house is very busy with a lot of windows in the front but because it is only one story at the top it has to get its light on one side. He felt it was a positive that the house sits fairly far away from existing structures and that it was a much better project than they had before. The grading issues and the possibility of it not being a stable site at the top of the hill concerned him, and the geotechnical report did not seem to have adequately addressed that issue. He also felt they have to have landscape screening in front of the house.

Chair Gibson stated his opinion that the City's height requirement does not adequately address sites, and that the formula for R1 that relates allowable square feet to slope perhaps is not entirely adequate, because one can have a huge flat area in the back of the lot far away from where they want to build, and if it is counted in the slope calculation it may have nothing whatever to do with the area where the house will be built. He felt that the front of this property is so steep that trees will not grow there; ivy is about the best they can do. The geotechnical evidence presented by the neighbors disturbed him and he felt he would like at least to have a geotech expert present to answer their questions. He agreed that the bulk and mass were a substantial improvement over what they had before but felt it was still bulky. He did not know how they could say they have not achieved a balance because they did bring down the bulk. At the very least he would like to have the geotech present to address their concerns.

C Horton referred to page 13 of the applicant's geotechnical report dated October 21, 2002 which states: "The practice of geotechnical engineering changes and therefore we should be consulted to update this report if construction is not performed within 12 months." She believed that they wrote the report around a different design and it was over two years ago, so she was not sure that Cotton and Shires reviewed a geotechnical report that

has to do with this house. She felt that they may want to have this addressed.

Mr. Chavarria stated that geotechnical concerns are very important and never should be taken lightly; however, he felt that they were misinterpreting the conceptual elements of what geotechnical engineering is and what a landslide is. He discussed in detail the background of the geotechnical investigations and analyses of the area, concluding that the fact that they are seeing surface movement does not mean that the site is unstable. It means that there is uncontrolled drainage. He stated that construction of a structure of this nature will always bring better conditions and improvements to the site because they would be engineered conditions; a new drainage system installed. There are areas that are not now being controlled. Slopes that right now may be unstable become stable by installing adequate drainage and adequate controlling of surface and subsurface drainage. Therefore, they should not be misled to believe that the site is unstable. He added that a soils report is not prepared for any specific design; a soils report is prepared for an empty piece of land and then they do the design based on the recommendations of the soils report. The conditions of the site will improve, the drainage will be controlled. The area that appears to be a slide is a surface condition that has been generated by uncontrolled drainage, not by instability of the lower substrata. He said he appreciated their concerns regarding architectural style, but felt that the geotechnical concerns should not be a concern, adding that they will have to go through a very tough building permit process and will have to meet stringent technical engineering regulations. Regarding the size, he noted that it meets the requirements because it is the biggest lot in the area and that the lot coverage is less than the average coverage of the rest of the homes in the area. He added that the landscape plan does include three trees, as well as bushes and shrubs and treatment of the front area, and that the mass has been reduced by 30%.

C Horton asked the applicant if he had done any Title 24 calcs on the house. Mr. Chavarria said he had not as yet, but that the window area is about 16.2% of the floor area, which would pass Title 24 requirements. C Horton responded that she did not believe the windows and light color of the house are helping the appearance of bulk, and Mr. Chavarria agreed that he would be happy to work with them on that.

C Long summarized his observations of the Commission's discussion by stating that the issues that most of them have are:

- They would like to see additional core samples and an updated geotech; at least something in writing that indicates that it is updated.
- They would like to see a geotechnical engineer at the next meeting who has carefully evaluated the site.
- He would like to see the applicant fill in the landscape plan and/or create a rendering which shows the finished landscape.
- Additional neighborhood outreach would be something that he had planned to request.
- The applicant should take a look at the window size.
- He would like to see additional renderings so that they could look at the plans rather than just seeing them up on the wall.

**MOTION: By C Long that the Commission continue to a date uncertain the Variance and Single Family Design Review to construct a 3,440-square-foot single-family residence at 2406 Coronet Blvd. with the aforementioned suggestions. (Appl. 2003-0111)**

C Long added that it would be helpful to receive from staff a house size and lot FAR comparison. CDD Ewing responded that this would involve more staff time than they are paid to do; they do it for FAR exceptions only. C Long suggested that perhaps the applicant could be compelled to do some of the leg work for that.

C Ewing asked for time to check when this application was deemed complete because there could be a streamlining issue. He later determined that not to be the case.

Chair Gibson asked the applicant if he would be interested in a continuation, or if he wanted to appeal a denial. Mr. Chavarria responded that they definitely want to build a house and want to work with the Commission to come up with the best design, and agreed that some of their concerns were certainly valid. He stated that they would be more than happy to improve on the landscaping; their soils engineer looked at the property in December and would not have any problems preparing a formal updated letter, and could run that through Cotton Shires so that they certify it as well. If required, they would be pleased to do a FAR analysis of at least the neighboring properties if that would help them make an evaluation, and agreed to prepare additional renderings. He was not clear on the window issue and C Horton responded that she felt there might be too many windows. CDD Ewing interjected that one architectural principal is that when you have the same scale on the upper floor it looks too heavy, so that the scale starts to get smaller as you go higher, and that the second level of windows may be an area that needs some attention.



C Parsons added that he felt that, because of the steepness of the site, they need to have a professional landscape architect come up with what should be done on that steepness in the front of the property. The plan should include perennials, larger trees and shrubs, and evergreen ground covers rather than annuals, and a sprinkler system that works on a hillside.

PP de Melo summarized his understanding of the requirements of the Commission:

- An addendum letter to the geotech report from the original geotech preparer.
- Have Cotton Shires look at that report again to make sure that it is consistent.
- Have the geotech engineer present at the next hearing.
- A rendering of the landscaping; something that illustrates what the proposed landscaping would look like for the site. C Long interjected that he thought they could all support a professional landscape plan.
- Changes to the window treatment.
- Change to a darker color to minimize the perceived bulk, with perhaps advice from a color consultant.

CDD Ewing asked the Commission if the volume of the building is going to be acceptable if these issues of window and color are addressed to their satisfaction, or if the volume of the building by itself of concern. Discussion followed and Chair Gibson conducted an informal poll and determined that 4 Commissioners felt that he has done his best to minimize the massing of the building, with 3 saying that if the bulk issue would not be resolved if they came back with just different windows and a different color. C Long commented that he could support the project if they could make this look like it's not as big.

**C Dickenson seconded C Long's motion.**

**Ayes: Long, Dickenson, Horton, Wozniak, Parsons, Gibson**

**Noes: Frautschi**

**Motion passed 6/1.**

Chair Gibson declared a 10-minute recess at 8:35 pm. The meeting resumed at 8:45 p.m.

## **5B. PUBLIC HEARING – 2004 Belle Monti Avenue**

To consider a Floor Area Exception for a 324 square-foot addition to the existing 3,161 square-foot single-family residence for a total of 3,485 square feet that is greater than the maximum permitted 3,124 square feet for this site. (Appl. No. 04-0073)

APN: 044-057-030; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)

Applicant/Owner(s): Ray and Cheryl Martinelli

PP de Melo summarized the staff report, recommending denial of the FAR Exception application since approval of the FAR Exception would not be compatible with the neighboring properties.

C Long asked why staff chose to use only Belle Monti properties for the comparison analysis. PP de Melo responded that for floor area exceptions they typically focus on the street in question – they do not focus on streets surrounding the lot because then the question becomes how far out do they go. CDD Ewing added that they focus on neighboring properties rather than the entire zone, as was the case in a recent driveway bridge analysis, but that they do not have any specific guidance in the code about where the boundary lines are drawn.

Ray Martinelli, owner/applicant, had the same question and was concerned that when they did their neighborhood outreach they had to send it to neighbors beyond Belle Monti, so he was hoping that group would also be looked at in the comparison process. He told the Commission that the reason they want to expand the kitchen is that it is on the top floor and is very small and out of scale with the house. He was also concerned that the square footage used includes a subterranean basement which is not useful. He added that the neighbors have been supportive, and the side neighbor would be in a better place because the windows that look into their back yard would be covered in this plan.

Chair Gibson asked for staff's comments on the square foot calculations. PP de Melo responded that any area that is greater than 6-1/2 feet in height and is fully enclosed counts as floor area, so that the large ground floor garage, basement workshop and other rooms all count against the total.

C Wozniak noted that the house was 1495 square feet when sold in 2003, and asked if the applicant had remodeled the basement. Mr. Martinelli responded that the rooms were already there when they purchased the house and that it had probably been done 10 or 15 years ago.

C Long asked if all of the space is finished now. Mr. Martinelli replied that there is a significant portion that does not have heat and isn't finished; it is basically garage space but that there is the potential to change that. PP de Melo stated that it is all 6' in height or more.

Chair Gibson opened the Public Hearing and asked speakers to limit their comments to three minutes.

The following neighbors spoke in support of the project:

Greg Boro, 2020 Mezes

Cynthia Farrington, 2006 Belle Monti

Steve Kimmey, 2002 Belle Monti

Gardenia Kimmey, 2002 Belle Monti

Birgit Merian, 2001 Notre Dame

**MOTION: By C Frautschi, seconded by C Dickenson, to close the public hearing. Motion passed.**

C Long stated that the law is right, but in this case he supports what the applicants are trying to do and agrees that the kitchen is very small. He was interested to know that there were no neighborhood objections and applauded the way they brought it forward with a lot of neighborhood support. He felt it was a great addition.

C Frautschi noted that the rear yard setback is larger than required and that all the surrounding properties that would be affected seemed to have no objections. He planned to vote for the project because there is no neighborhood opposition and the addition will have no visual effect on the street-side appearance of the property.

VC Parsons stated that they had seen similar cases on much larger lots where people have come in and asked for more space that had basements which technically they felt were unusable. He cited one case where he believed the Commission required that the floor be raised to eliminate the

unusable square footage in a basement. If they could find a way to do away with what they call unusable storage space that is 6-1/2 feet he would be more inclined to support this project, but the way it was structured, even though he appreciated what they were trying to do, he felt they would be setting a precedent in the neighborhood, and while the neighbors might not mind it now some other neighbor may come in in the future and say the house is too big for the lot. He added that if Council wants to override them, that would be something else, but because the project is already over the FAR and now they're proposing to make it larger on the smallest lot in the area he just could not support a project in that range the way it was currently structured.

C Horton agreed with VC Parsons, noting that she has publicly stated that she is not a supporter of large houses on small lots, and sees this as an obvious grant of privilege. She suggested that they may have to go into their dining room to get a bigger kitchen. She absolutely supports going over the floor area ratio if you have the lot size but not if you're already too small, and she stated she is going to stay consistent and could not support the project the way it is.

C Dickenson stated that he would have to vote in support of allowing them to add the square footage due to the fact that there are no windows on that one back portion. He had looked to see if there are windows in the basement, and just by telling us that it is subterranean – it is unusable space – to the letter of the law it is usable space. They are actually bringing light into usable square footage and that was the only reason he felt he could grant a special privilege to do that.

Chair Gibson agreed with everything that VC Parsons said. The law is clear and he felt they could only approve this if it lessens inconsistencies. Using the table shown here, it makes it the largest FAR, and regardless of how reasonable it is or how much neighborhood support there is, that is where the numbers lie. He added that staff's practice has been to look at houses along the existing street and not around the corner and they could go shopping for houses and make up a list that gets them the answer they wanted, but they do not want to do that. He believed they have a precedent that makes it necessary to deny the floor area ratio exception.

C Wozniak suggested that the best thing for the applicant to do is to have their square footage in the basement, but when she looked at the floor area and the lot size she believed that it would be a grant of special privilege. As was suggested, perhaps they could turn some of that space into unusable space and then come back for a Variance. She felt it does set a precedent, and if all the houses on the list went to the same level, which maybe they

could do after they set the precedent, they would have a very different situation in several years. She stated that she could not support the project.

C Long asked CDD Ewing to speak to the question of precedence and to expand further on the precedence for the Commission making the downstairs area that is currently unfinished technically not square footage by raising the floor or lowering the ceiling to make it less than 6-1/2 feet. He also asked for comments in light of the fact that they just changed the trigger point for garages; staff had predicted that they are going to have more projects come before them with floor area exceptions. CDD Ewing responded that the trigger point hasn't been changed yet. Council will do that in due time but it may result in more projects with Variances of one sort or another. He was not sure that specifically relates to added square footage. Regarding the question can they eliminate habitable square footage by reducing the height between the floor and the ceiling, he stated that, yes they can, and they would have to show that on plans so that there was no net increase in the project. Chair Gibson interjected that in that event it would not come back to the Commission as it would be under 400'. Regarding precedent setting generally, CDD Ewing continued that there is no legal precedent created by the Commission granting a single Variance. The concern is more how do the Commissioners feel about granting something like this when you know that someone else may ask you, and what pressures you may feel to be consistent. He added that the old rule is that similar things are treated similarly. The issue is, are you treating similar things similarly or are you going to be able to make distinctions to justify one decision vs. another, and that is the issue that precedent ultimately revolves around. CA Zafferano added that the process before them is a floor area exception that is distinguished from a Variance – one of the Variance findings is that they have to show that it is not a grant of special privilege. That is not one of the findings in the floor area exception. As far as the precedent setting is concerned, he agreed with CDD Ewing that they are not legal precedents, however, the floor areas and numbers are going to show up on a table. If it's denied it will show up on a table as what the current square footage is; if it's granted it will show up on a table as what the approved square footage is. He agreed that if they could find distinguishing features in this proposal then they could legally make the findings. CDD Ewing noted that the words "grant of special privilege" are found in the purpose statement for issuing floor area exceptions, and while it is not specifically a finding we respect the words of the purpose statement and take it into account in their analysis. CA Zafferano concurred.

After discussion, CDD Ewing informed the Commission that they could deny this project and the applicant could then come back with a revised plan to

eliminate an equivalent amount of square footage in the basement of the lower floor area so that there was no net change to the square footage, and that could be approved at staff level.

**MOTION: By VC Parsons, seconded by C Horton, to deny a Floor Area Exception for 2004 Belle Monti Avenue (Appl. 2004-0073)**

**Ayes: Parsons, Horton, Wozniak,  
Gibson**

**Noes: Frautschi, Dickenson,  
Long**

**Motion Passed 4/3**

Chair Gibson noted that the item may be appealed to the City Council within ten days.

CDD Ewing confirmed for the applicants that they will receive a copy of the adopted denial resolution, they can ask the City Council to overturn the Commission's decision, or, alternatively, they could come in with a plan to that showed no net increase in square footage as discussed previously.

## **6. OLD BUSINESS**

### **6A. Design Review – Wells Fargo Corporate Properties – 1045 Ralston Avenue**

**(Continued from 2/1/05 meeting).**

CDD Ewing summarized the staff report, noting that staff believed the applicant has addressed the concerns of the Commission and recommended approval of the draft Resolution attached. He added that the sentence "One existing sign is to be removed" in the justification for Finding d) on page 2 of the Resolution is incorrect and should be deleted.

Steve Lewis, Architect for the project, addressed the Commission regarding item 6 of the Conditions of Project Approval regarding the Belmont Noise Ordinance. Mr. Lewis commented that they have no problem with the condition but it is not defined and was concerned that it was reasonably nebulous. CDD clarified that staff is about to begin preparation of a new noise ordinance, and a new noise ordinance would apply to all existing equipment, so that it is restating what will occur once the new ordinance is prepared and adopted.

VC Parsons expressed his disappointment with the proposed landscaping. He expected to see something from a landscape architect and felt that what they are proposing just adds more tired stuff to existing tired stuff. He did not believe the proposed plants are particularly appropriate to that location and there are beds of 50-year-old ivy around the plants that look like shrubs, and he was not sure any of the sprinkler systems work. He added that they had talked about the design of the box matching the roof line, but it turns out to be a box rather than what they had talked about. Because of its position on the building he said he could probably live with that proposal but that he could not live with the proposed landscape plan.

C Frautschi was also disappointed with the landscape plan, noting that the when you look at the parking lot there's no softening from the landscaping as it currently is and the proposal will barely go any distance further. He still did not like the profile of the mechanism on that side of the building but if that is as good as the architect can do then he would have to accept that. He was hoping that the architect would convince Wells Fargo to invest a little more money in their property and felt that the site looks abandoned and did not believe that what they are proposing would make it look much better.

Mr. Lewis commented that the original project was replacing an antiquated mechanical system, which over time has been expanded to painting the concrete dock, modifying the lighting and the landscaping. He believes that Wells Fargo wants to be a good member of the community and wants to accommodate all of these things and make it work so everybody is satisfied, but the critical thing is the mechanical system. From a time standpoint it is very critical and they are running out of time to get it done this year and felt that trying to design by committee is nearly impossible. He would like to get the Commission to at least commit to the area on the mechanical because that will be a long lead time and he hopefully could reassure the Commission that they will address the landscaping.

Randy Norman, property manager for Wells Fargo bank and project manager for the mechanical system, addressed the Commission, noting that this particular change-out has been challenging because of the building not lending itself easily to retrofitting to what is today acceptable in environmental terms. He added that he appreciated the concerns of the Commission on the other issues. He had met with the Director of Planning after the last meeting, and immediately brought lighting and landscape people in and came back with what they thought had met their requirements. He stated that they have budget money to replace an air conditioning system that is 40 years old, and that if it goes out it might not

be repairable and their customers need to have air conditioning when they go into the building. He added that they have been working on this over a year from the time that they actually stepped into the Planning Department. He understood that they did not meet the Commission's requirements for landscaping, stating that they can surely do what the Commission needs done but that is going to take time and he really wanted to get approval to get the air conditioning system moving forward.

C Dickenson commented that he felt this project went to "design by committee" when Mr. Lewis originally presented the project and this first plan was to put the HVAC units over the entrance ways, break it up and push it as far into the roof line as possible. He added that he could not approve this project as he felt that aesthetically it would be an eye sore on the roof line and it was not the best that the architect could do. He felt that the applicant understood clearly that the Commission would like something nice and needed to apply the dollars that make sense to make it nice. He felt it looked like a stepchild that is sitting out there; that the parking lot is horrible and if the applicant was willing to step up then they need to step up on the landscape and the positioning of the unit on the roof.

Responding to C Horton's question, CDD Ewing stated that one way to separate the original application from the add-ons would be to use a condition where the landscape plan needs to be approved prior to issuance of building permits. That would allowed the applicant to start their plan check process while preparing their landscape plan for review, but they would not get a building permit until the Commission approves the landscape plans.

C Horton stated that she recognized that the unit looks like something landed on the roof, but, because of what she does for a living, knows that it is probably all they can do. She supported moving forward with the mechanical equipment and then, while they are doing the engineering, come back and do the rest of it.

C Long commented that he thought it was very noble that Mr. Norman was worried about Belmont's customers at Wells Fargo should the HVAC fail, but felt that a bad roof line, bad landscaping, bad lighting, and problems with the façade is bad for more than just Wells Fargo customers but all of Belmont would suffer at the expense of Wells Fargo if these things are not addressed. He believed there is a very clear and correct nexus between the Commission allowing a change to the building and wanting some improvements to what they think are not extraordinary levels of landscape maintenance or façade maintenance or lighting. To his colleagues, he added that, from a macro sense, they hold commercial applicants in downtown to a



lower standard than they do private applicants and believes that they have to hold these folks to the highest standard. He could not accept that the proposal was as good as the architect could do and they would be very hard pressed to get his support for any kind of HVAC on the roof of the building. He felt that the roof is the best feature of a bad building and thought it should remain and was still convinced that the proper place to put the HVAC was along Ralston and could not support the project.

**MOTION: By Chair Gibson, seconded by Chair Parsons, approving the design review at 1045 Ralston Avenue, with conditions as attached in Exhibit A, and the added condition that a Landscape Plan be returned to the Commission for approval prior to the issuing of building permits. (Appl. PA2004-0076)**

**Ayes: Gibson, Parsons, Wozniak, Horton, Frautschi**

**Noes: Long, Dickenson,**

**Motion passed 5/2**

VC Parsons suggested that the Landscape Plan must be one that looks at better sprinkler systems, full names of plant materials, location, etc. CDD Ewing clarified that a landscape architect needs to be engaged.

## **6B. Safeway Code Compliance Update – 1100 El Camino Real**

PP de Melo reported as follows:

- The applicant is going out to bid for a landscape plan for the parking lot replacement trees and expect a start date of April 1<sup>st</sup>.
- Rear painting of the 6<sup>th</sup> Avenue elevation is at about 90% and will be finished when the heavy rains end.
- They have tried four different vendors to get a remote control operation for the gate but are having a hard time with it. They're looking to put a management plan in place with the current store manager to monitor the manual opening and closing of the gate if they are unsuccessful on the remote control operation. He will confirm the permitted hours for allowing the gate to remain open, but believes it is 9:00 p.m. to 6:00 a.m., with allowance for small truck deliveries only from 6:00 am. to 9:00 p.m.
- They have not yet come forward with any sort of Easter decorations for the site.

C Frautschi asked for clarification as to whether Safeway is responsible for the parking lot by Peets. PP de Melo agreed to look into that.

C Frautschi asked when the Alameda Safeway would come before the Commission. PP de Melo responded that it was targeted for this meeting, but neither the applicant nor the architect could be in attendance, and they have since proposed design changes, so they are off indefinitely for that project.

## **7. NEW BUSINESS**

### **7A. Approval of Alteration of Historical Resource (525 Kingston Rd)**

CDD Ewing summarized the memorandum which was sent to Council in early February, which was requested to be put on the agenda for discussion. He noted that staff had received a request to make some minor changes, which included changing a couple of French doors for some windows and adding a rear stairway off the deck, and they are reviewing those for a determination on the project; otherwise the project is going forward under the permits that were issued.

C Frautschi asked CDD Ewing to speak about the statement in the last paragraph of his memo that “the experience has brought to light several sections of the Municipal Code that deserve some clarification or revision.” CDD Ewing responded that what gave them the most trouble during their review and in trying to explain it to those who asked about it later was what constitutes an alteration, and explained that there are three realms or degrees of change to an historic structure and how the code treats it, and there are certain activities that fall below the level of minor alteration. The code defines what some of those are, including change of exterior materials, and alterations has a list of things associated with it that are considered minor alterations that are subject to review. In addition, there are things that are bigger than minor alterations that fall under the realm of definition, and unfortunately the words in the current code create so much overlap that they sometimes have a difficult time deciding what a project is. Because it was a significant change to the house, much of it fell under changes of exterior materials, and wasn’t even a reviewable item under the ordinance, but other parts of it were adding structural elements to the outside. They had to make a call with an ordinance that is not a very easy one to use.

Responding to VC Parson’s question, CDD Ewing stated that the two buildings that are there have to be retained as garages and if they fall down, the owner knows that they have to create and come back in with a two-car garage. PP de Melo added that he believed the Conditions of Approval indicate that prior to issuance of a C/O for the project they need to address the two out-buildings. C Long confirmed with CDD Ewing, that to alter those

two buildings, they will just need administrative approval, depending on the alteration they propose, and that it would be a demolition if the alteration included taking the two out-buildings down to the foundation. PP de Melo confirmed that the C/O for the Kingston property cannot be issued for the house until the out-buildings are addressed. C Long requested that the Commission be apprised of what is requested and what the decision is, even though by law it is not necessary to bring administrative decisions to them. CDD Ewing agreed that staff will informally include that on the list of notifications of administrative actions even though that wasn't part of the ordinance.

C Long stated that his purpose was to try and create some discussion around this issue; that the crux of the issue was that the house was demolished and in the definitions the term "demolish" means to raise or destruct, either entirely or in significant part, a building or structure, and he felt like this was clearly a demolition, and that that triggered the Planning Commission's oversight of an historic structure. This property is in the historic resources inventory from 1991 but the copies that at least four of the Commissioners have did not include the properties, just the research, so that the four newest Planning Commissioners do not have it in their book. CDD Ewing stated that there were copies available for them after the meeting. C Long was pleased by that and thanked Hartley Lawhead for helping get a clean copy to staff, and was gratified that his colleagues put this near the top of the priority calendar and hoped that it is something that can easily be worked through and will result in a better law and a better Belmont.

C Dickenson asked when the Housing Element comes up for renewal and who puts it together. CDD Ewing responded that the last Housing Element was approved for the period 2001-2006, and that's when the State HCD schedules the issuance of new regional housing needs determinations. The State often delays that from its statutory five-year schedule depending on whether they have any money, and they are now talking about delaying it because they do not have any money. Therefore, it may be that they will not get new regional housing needs numbers until 2007 or 2008, at which time they would look at an update of the housing element. He added that the Housing Element in Belmont has been prepared on contract with a consultant, with citizen outreach being a significant part of it.

Discussion ensued regarding the issues of clarifying the historic definitions and the updating of the inventory. CDD Ewing pointed out that staff time is really Council's to order, and so it should any staff time spent on it should come through Council.

## **8. REPORTS, STUDIES, UPDATES AND COMMENTS**

C Horton reported that she will not be at next meeting.

Staff reported that the Parking Upgrade Ordinance and the HRO3 to Ag zoning amendment will be on Council's March 8<sup>th</sup> meeting agenda.

**9. PLANNING COMMISSION LIAISON TO CITY COUNCIL  
MEETING OF TUESDAY, MARCH 8, 2005.**

Liaison: Commissioner Long

Alternate Liaison: Commissioner Wozniak

C Long noted that he will be out of town on March 8<sup>th</sup>. C Wozniak believed she would be able to attend.

**10. ADJOURNMENT:**

The meeting adjourned at 10:10 p.m. to a regular meeting on Tuesday, March 15, 2005 at 7:00 p.m. at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

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*in the Community Development Department*

*Please call (650) 595-7416 to schedule an appointment.*